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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,524	01/14/2002	Richard W. Bloomstein		1540

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RICHARD W. BLOOMSTEIN  
1443 CAVELL STREET  
HIGHLAND PARK, IL 60035-2807

EXAMINER

CHAWAN, VIJAY B

ART UNIT PAPER NUMBER

2654

4

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/683,524

**Applicant(s)**

BLOOMSTEIN, RICHARD W.

**Examiner**

Vijay B. Chawan

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2-5, 7 and 9 are objected to because of the following informalities: claims 2-5, 7 and 9 are dependent claims, and the dependencies they refer to is improper, i.e., the claim which they depend upon is in brackets. Brackets are normally used to indicate subject matter that has been deleted from the claims. The claim they refer to do not need brackets. Also the claims are labeled as c1- c9. Just plain numbers will suffice. To further the prosecution of the application, Examiner assumes that there are no brackets, and the claims are numbered 1-9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 8-9 rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in

such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

3. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise et al., (5,884,262).

As per claim 1, Wise et al., teach a method of encoding documents in an interactive network consisting of compressed speech data and the code necessary to decompress and/or play the speech without direct authorization or pre-arrangement by the viewer/listener (Col.6, lines 31-67).

As per claim 2, Wise et al., teach the method of claim 1, where the network is the Internet (Col.6, lines 46-47).

As per claim 3, Wise et al., teach the method of claim 1, in which compressed speech data is transmitted in anticipation of selection by the viewer/listener (Col.7, lines 34-55, Col.6, lines 31-67).

As per claim 4, Wise et al., teach the method of claim 1, in which compressed speech data is stored on a plurality of transmitting computers (Col.8, lines 21-36).

As per claim 5, Wise et al., teach the method of claim 1, in which media data is transmitted in character format accompanied by scripted code to restore a binary format (Col.7, lines 34-55).

As per claim 6, Wise et al., teach a method of endcoding documents in an interactive network consisting of binary data transmitted in character format accompanied by scripted code to restore a binary format (Col.7, lines 34-55).

As per claim 7, Wise et al., teach the method of claim 6, where the network is the Internet (Col.6, lines 46-47).

As per claim 8, Wise et al., teach a method of endcoding documents in an interactive network so as to play a speech segment based on an indirect action of the viewer of the document (Col.6, lines 31-67).

As per claim 9, Wise et al., teach the method of claim 8, where the network is the Internet (Col.6, lines 46-47).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schindler et al., (6,396,480) teach context sensitive remote control groups.

Yamakita (5,956,681) teaches an apparatus for generating text data on the basis of speech data input from the terminal.

Kim et al., (5,659,790) teach a system and method for globally scheduling multimedia stories.

Ouyang et al., (6,178,405) teach a concatenation compression method.

Tel (5,943,648) teaches a speech distribution system providing supplemental parameter associated data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vijay B. Chawan  
Primary Examiner  
Art Unit 2654

9/19/04

vbc

**VIJAY CHAWAN**  
**PRIMARY EXAMINER**